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VIA ECF

The Honorable Jennifer L. Rochon
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Cengage Learning, Inc. et al. v. Google LLC*, No. 24:cv-04274-JLR-BCM
Plaintiffs' Opposition to Google's Motion to Redact

Dear Judge Rochon:

Plaintiffs write briefly to oppose one point in Google's motion to redact, Dkt. 153. Google's motion seeks to redact various information in Plaintiffs' Attorney Declaration (Dkt. 148) regarding Google's motion to stay discovery. Dkt. 153. Plaintiffs take no position on most of these proposed redactions, but oppose Google's request to redact portions of one exhibit to the declaration.

Google seeks to redact portions of an email that Google's counsel sent to Plaintiffs' counsel in June 2025. In the email, Google confirms that it now allows legitimate publishers to advertise ebooks (contrary to its stated policy of banning all ads for standalone ebooks) as part of what Google calls a "beta" program. Google's email goes on to inform Plaintiffs that Google will not allow *Plaintiffs* to participate in this program while the instant action is ongoing. Dkt. 148-1 ("Google has no obligation to include in this test program publishers who have sued . . . Google. While the parties are in active litigation, Google is not interested in this type of business relationship with Plaintiffs . . . However . . . Google is happy to fold Plaintiffs' request [to participate in the "beta" program] into the parties' broader ongoing conversations regarding a resolution of Plaintiffs' lawsuit.").

Google seeks to redact two portions of this email: one word in the second line of Google's email, and one sentence later in that paragraph. Dkt. 148-1 (proposed redaction highlighted in yellow). While Plaintiffs have thus far declined to oppose Google's expansive approach to redactions, these redactions are a bridge too far.

The word that Google seeks to redact is not a Google-specific or technical term; it is a generic term used generally in the English language. Indeed, an internet search for the term returns countless instances of other businesses using the same term. There is no justification for redacting this term.

The sentence that Google seeks to redact is equally generic. It does not reveal any inside information about the "beta" program. It simply describes a potential feature of the "beta" program that could equally be true of any similar program. No pirate (or anyone else) could use the information contained in that sentence to facilitate infringement or to circumvent Google's policies. Indeed, since, according to Google, the "beta" program involves only *legitimate* publishers, it is difficult to see how a pirate could use the information at all.

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The Court should deny Google's overreaching request to redact these unremarkable portions of its email.

Respectfully submitted,

/s/ Jeff Kane

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